

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to:
MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Dated: 3-17-08 Signature: Mary Murphy
(Mary Murphy)

Docket No.: CVRS-P04-001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Laugharn, Jr. et al.

Application No.: 10/777,014

Confirmation No.: 2221

Filed: February 11, 2004

Art Unit: 1797

For: APPARATUS AND METHODS FOR CONTROLLING SONIC TREATMENT

Examiner: T. G. Soohoo

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated January 16, 2008, in connection with the above application, Applicants hereby elect, with traverse, Species D (i.e., S4) and subspecies "with added processor, acoustic exposure processor" (as described on page 9 of the Restriction Requirement) for examination. Claims 47-62, 66-79, 141, 143, and 148-162 are readable on Species S4, and thus, pursuant to MPEP 806.03, are not directed to distinct inventions and therefore restriction between these claims should not be required.

The following requests are enumerated on pages 10 and 11 of the Restriction Requirement:

- "identify and name what element(s) applicant considers as the Genus of the invention,"
- "identify any sub genus and sub species of the invention form the species presented above,"

“identify and admit which species, sub-species, and subsequent subspecies applicant considers as a subsequent, genus, sub-genus, and subsequent sub-genus,”

“identify which species, sub-species, and subsequent sub-species; and genus, sub-genus, and subsequent sub-genus applicant considers as obvious variants (of species, genus.. etc) which should be examined together are obvious over one another,” and

“submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case.”

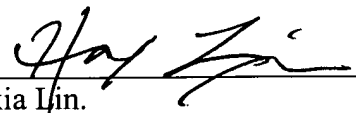
Applicants are unclear what is being asked for in these requests, or under what authority these requests are being made. As the requests do not appear to be relevant to patentability and do not request factual information of the sort contemplated by 37 C.F.R. § 1.105, Applicants believe that, under any possible interpretation of their meanings, no basis exists for requiring such identifications and admissions in order to elect a species or traverse such an election. Applicants’ reply is fully compliant with MPEP 818.

Applicants submit that the pending independent claims are all linking claims that encompass the elected species. Pursuant to MPEP 809, these claims should be examined with the elected species and, if found allowable, any restriction between linked species must be withdrawn.

Applicant believes we have appropriately provided for fees due with this response. However, if an additional fee is due, please charge our Deposit Account No. 18-1945, under Order No. CVRS-P04-001 from which the undersigned is authorized to draw.

Dated: March 17, 2008

Respectfully submitted,

By 
Haixia Lin.

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